

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2020-10

Application PB#2020-06

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
PTR HOLDCO, LLC/PRO-TECH ENERGY SOLUTIONS
AMENDED
PRELIMINARY and FINAL MAJOR SITE PLAN
w/ BULK VARIANCES
BLOCK 173 LOTS 1, 2, 3.02 and 3.03
GM GENERAL MANUFACTURING ZONE
APPROVAL**

Decided:	February 27, 2013
Resolution Memorialized:	March 27, 2013

WHEREAS, by way of its Resolution 2013-08 dated March 27, 2013, the Florence Township Planning Board granted preliminary and final major site plan approval to Seaboard Solar, LLC and its subsidiary Solar Management NJ-Solaire to allow development of an approximately 9.2 megawatt grid-connected solar photovoltaic electricity generation facility and associated site improvements at properties located at 1200 Florence-Columbus Road and Jacksonville Road (aka Cedar Lane), and known on the Official Tax Map of the Township of Florence as Block 173, Lots 1, 2, 3.02 and 3.03;

WHEREAS, the subject properties are the site of a now-closed landfill;

WHEREAS, the project that was approved by the Board in 2013 was not constructed, and PTR Holdco, LLC/Protech Energy Solutions has made application to the Board for amended preliminary and final major site plan approval to allow development of a smaller 7.3 megawatt facility that will now be entirely on part of the capped area of the former landfill and that will use the existing utility grid interconnection formerly used by the landfill gas to energy (electricity) facility that served the adjoining County-owned landfill;

WHEREAS, A&S Transportation Company, the owner of the subject property, has consented to the making of this application, and the applicant therefore has standing to bring this matter before the Board;

WHEREAS, the applicant is represented by Emily Givens, Esq. of Maley Givens, PC;

WHEREAS, upon a finding that proper hearing notices had been mailed and published, and that its jurisdiction was therefore proper, the Board opened a hearing on the application at its September 22, 2020 regular meeting;

WHEREAS, the applicant's engineer, Mark Zelina, PE, of Whitman, appeared, was sworn, found qualified as an expert in the field of site and civil engineering by the Board, and offered his testimony in support of the application;

WHEREAS, the applicant's representative, Barry Skoultchi, P.E., appeared, was sworn, found qualified as an expert in the fields of chemical and environmental engineering and offered his testimony in support of the application;

WHEREAS, the Board granted certain waivers of ordinance checklist submission items as detailed in the September 16, 2020 review letter of the Board's Engineer, and found the application sufficiently complete to be heard; and

WHEREAS, the Florence Township Planning Board has made the following findings of fact and conclusions of law:

Findings of fact:

1. Application has been made for amended preliminary and final major site plan approval to develop an approximately 7.3 megawatt grid-connected solar photovoltaic electricity generation facility and associated site improvements at properties comprising a total of approximately 88 acres (of which approximately 75 acres lie in Florence Township) located at 1200 Florence-Columbus Road and Jacksonville Road (aka Cedar Lane), and known on the Official Tax Map of the Township of Florence as Block 173, Lots 1, 2, 3.02 and 3.03.
2. The subject properties are the site of a now-closed landfill.

3. The proposed project will result in installation of solar photo voltaic panels on ground-mounted ballasted racking systems which are to be installed on approximately 29 acres of the existing landfill cap.
4. The overall tract is located in Mansfield, Springfield and Florence Townships, however, development is proposed solely on the Florence Township area of the tract.
5. A&S Transportation Company, the owner of the subject properties, has consented to the making of this application, and the applicant therefore has standing to appear before the Board.
6. The subject property lies in the Township of Florence GM General Manufacturing Zone District, which is an industrial district.
7. The proposed solar use is a principal permitted use in all industrial districts (on properties such as the subject which are greater than 20 acres in size) pursuant to NJSA 40:55D-66.11. In addition, the proposed use is explicitly permitted on those areas of the subject properties which are former landfills pursuant to NJSA 40:55D-66.16.
8. The applicant has submitted proof of service of notice and proof of publication of notice of the site plan and variances hearing, and the Board has jurisdiction to hear this application.
9. The applicant has submitted the following documents in support of the application:
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Major Site Plan Application Checklist of Submission Requirements;
 - c. A completed Township of Florence Variance Applications Checklist of Submission Requirements
 - d. A Township of Florence Tax Collector's Certification that no taxes were due on the subject property at the time of the application;
 - e. A series of survey and site plan drawings comprising sheets prepared by Mark Zelina, PE, of Whitman dated 08/26/2020;
 - f. Corporate Disclosure Statement;
 - g. Township of Florence Land Use Escrow Agreement;

- h. Certified List of Property Owners within 200' of the subject parcels;
 - i. Application and escrow fees as required by ordinance;
 - j. An aerial photo of the submitted site plan, entered into evidence in the course of the public hearing as Exhibit "A-1";
 - k. Response letter of Applicant's Engineer dated September 21, 2020 addressing the review letters of the Board's professionals and the Township Fire Code Official.
10. The Board's Engineer, James Biegn, P.E., C.M.E. of Maser Consulting, PA, submitted review a review letter dated September 16, 2020 commenting upon the application, which is hereby incorporated into the record.
 11. The Board's Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated September 14, 2020, which is hereby incorporated into the record.
 12. The Township's Fire Code Official, Brian Richardson submitted a review letter commenting upon the application dated September 10, 2020, and his email of September 22, 2020 which are hereby incorporated into the record.
 13. The project had been organized at the time of the 2013 approvals with reference to "Zones" A, B, C, D and E. This amendment removes all of the proposed arrays from what had been designated as Zone "A" on the landfill cap and on a wooded area off of the landfill cap that was designated as Zone E. All arrays that were proposed off of the landfill cap have been eliminated, and no clearing will now be necessary. In addition, the amended plan does not encroach upon and wetlands, wetlands transition areas or flood areas.
 14. The existing access driveway and interior gravel roadways will be used for site access and interior circulation.
 15. The existing stormwater management system constructed for the landfill cap will also serve the solar facility. The landfill cap is essentially impervious already, and there will be an insignificant increase in impervious surfaces (and therefore stormwater runoff) as a result of the proposed development. The Board and

applicant's engineers concur that the existing stormwater management system is sufficient.

16. Approval of the submitted plans would require a setback variance (40 ft. proposed and 50 ft. required) from the easterly lot line of Lot 2 of Block 173 in Florence Township where it adjoins Lot 7 of Block 44 in Mansfield Township. The subject landfill property, however, includes the adjoining Mansfield Township lands so there is in fact a sufficient setback when all lands in the affected property are included.
17. No loading area is necessary because there will be no regular movement of goods or materials on or off of the site once construction is complete.
18. No lighting is proposed.
19. The applicant made a cogent presentation in 2013 that sidewalks would not presently be useful in the vicinity of this site as it lies in the midst of the County Resource Recovery Facility and there is presently no public traffic on foot or by car. Township Ordinance §91-74 does not simply permit the Board to waive installation of sidewalks along the frontage of major projects. Sidewalks must either be installed or a payment in lieu be provided to the Township in accord with ordinance standards.
20. The applicant's representatives agreed in the course of the public hearing to work administratively with the Township Fire Code Official to assure that fire apparatus can safely navigate within the site and to assure that there are no "choke points" that would impeded such navigation.
21. The applicant's representative further agreed in the course of the public hearing to comply with the plan detail and design comments of set forth in the review letters of the Board's professionals.
22. But for the variance noted above, the project conforms to applicable Township development standards.
23. No public comment was offered on the proposed development.

Conclusions of Law:

The Board finds that it may grant the requested setback variance pursuant to NJSA 40:55D-70(c)2 because the benefits of the proposed renewable energy facility on this closed landfill site, and full utilization of the site for such purpose, substantially outweigh any detriments to the public good or impairments of the zone plan which may result from such a variance. The Board notes that the variance is a technical one, caused by the happenstance of a municipal boundary that intersects the overall property.

The Board finds that except for the variance noted in this Resolution, the development proposed by way of this application complies with applicable standards for such development as set forth in Township Ordinances, and the applicant has complied with the procedures of the Board. The development is therefore entitled to amended preliminary and final major site plan approval, subject to appropriate conditions as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of PTR Holdco, LLC/Protech Energy Solutions seeking amended preliminary and final major site plan approval to allow development of a smaller 7.3 megawatt facility that will now be entirely on part of the capped area of the former landfill at properties located at 1200 Florence-Columbus Road and Jacksonville Road (aka Cedar Lane), and known on the Official Tax Map of the Township of Florence as Block 173, Lots 1, 2, 3.02 and 3.03, be, and hereby is, **APPROVED**, subject to the following conditions:

1. Compliance with the plan detail and design comments set forth in the Board professionals' review letters.
2. The applicant shall work administratively with the Township Fire Code Official to assure that fire apparatus can safely navigate within the site and to assure that there are no "choke points" that would impede such navigation.
3. The applicant shall install sidewalks along the properties' Cedar Lane frontage at such time as Cedar Lane (aka Jacksonville Road) again becomes a public thoroughfare through the opening of the Assicunk Creek bridge and elimination of the gates at the Florence-Columbus Road end of Cedar Lane. Alternatively, the applicant may presently make a payment in lieu of providing sidewalks in accord with Ordinance §91-74.
4. The applicant shall provide initial and periodic familiarization to local first responders on safe entry and operations within the solar array site.
5. Emergency contact information for the site operator shall be prominently posted at the site's entry points.
6. Access for first responders shall be provided by coded lockbox with access numbers provided to the Township's Police, Fire and EMS services.
7. The Decommissioning Plan shall be revised to require that the NJDEP and Township be notified of any disturbance associated with such decommissioning.
8. The tax lots comprising the subject property shall be consolidated.
9. Compliance by the applicant with affordable housing obligations, if any, in accord with Township ordinances and State statutes.
10. All taxes and escrow fees for professional review must be paid current and in full.

11. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: NJDEP Landfill Disruption Plan approval, Florence Township Office of Construction Code Enforcement and Burlington County Planning Board. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board.
12. Any additional development on the subject property or any modification to any development pursuant to, or inconsistent with, this approval shall require approval of this Board.
13. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
14. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
15. Any permits, deeds, easements, vacations, dedications or other documents related to this proposed development shall be approved by the Board attorney and Board engineer and filed with the appropriate authority. Proof of recording with the County Clerk shall be filed with this Board.
16. The applicant shall post performance and maintenance guarantee to the extent authorized by statute in amounts accepted by the Township Council after recommendation by the Board and the Township engineer and in a form approved by the Township Engineer and Board Attorney.
17. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not implement this approval within two years of the date hereof (or such extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

**MOTION TO APPROVE AMEDNED
PRELIMINARY and FINAL MAJOR SITE PLAN:**

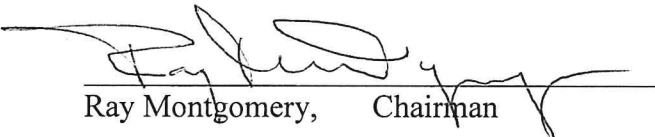
Moved by : Councilman Garganio
Seconded by : Mr. Mattson
In Favor : Councilman Garganio, Mr. Mattson, Mr. Morris,
Ms. Wiese, Mayor Wilkie, Chairman Montgomery
Opposed : None
Abstained : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Councilman Garganio
Seconded by : Mr. Mattson
In Favor : Councilman Garganio, Mr. Mattson, Mr. Morris, Mayor Wilkie
Opposed : Chairman Montgomery
Abstained : None

FLORENCE TOWNSHIP PLANNING BOARD

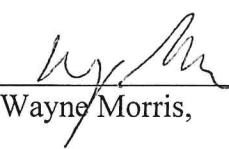
Dated: 10-27-2020


Ray Montgomery, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on October 27, 2020 and memorializes a decision taken by the Board on September 22, 2020.

Dated: 10-27-2020


Wayne Morris, Secretary